



January 4, 2021

Ms. Abigail Hendershott, District Supervisor
Michigan Department of Environment, Great Lakes, and Energy
Grand Rapids District Office
Remediation and Redevelopment Division
350 Ottawa Avenue, N.W., Unit 10
Grand Rapids, MI 49503-2341
HendershottA@michigan.gov

RE: EGLE December 9, 2020 Violation Notice Issued to: Gerald R. Ford International Airport,
5550 44th Street, SE, Kent County, Michigan; Facility ID No.: 41001285

Dear Ms. Hendershott:

The Gerald R. Ford International Airport (GFIA or Airport) respectfully submits the following response to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Violation Notice correspondence dated December 9, 2020 (VN Letter). GFIA is fully complying with Part 201 related to PFAS impacts to its property associated with its past use of aqueous film forming foam (AFFF), which was mandated by both Federal Aviation Administration (FAA) and state authorities. GFIA disputes that it is violating Part 201 and EGLE has not provided any additional information to justify its assertions that the Airport has obligations for off-site impacts.

In brief, GFIA, working with its environmental consultants, LimnoTech, has collaborated with EGLE for almost three years on a multi-phase, data-driven investigation, at significant investment of time and resources to the Airport, involving hundreds of deep aquifer, shallow groundwater, soil, residential well and stormwater samples across the Airport property and into Cascade Township. None of the data collected to date demonstrate a pathway for PFAS migration from the Airport leading to contaminated residential wells, as theorized by EGLE. From the information GFIA has reviewed, it is the Airport's understanding that EGLE's assertions are based primarily on an internal geologic review in which staff hypothesize potential scenarios that might impact drinking water wells and makes recommendations for collecting more data to help inform possible sources of PFAS contamination. Both the Airport and EGLE have collected additional data since that review, none of which demonstrate a pathway from the Airport, eliminate any other possible sources of PFAS in or near the Township, nor provide clear evidence or prove any party's liability.

GFIA responded to EGLE's October 9, 2020 letter by reviewing data regarding the limited extent of contamination on Airport property, its strategy for ongoing and future compliance with Part 201 obligations, and its objections to EGLE's unwarranted assertions regarding off-site contamination. In its November 6, 2020 response, GFIA explained that EGLE's unwarranted conclusions that the Airport was liable for off-site residential wells were premature and not supported by facts. Quite simply, EGLE has not and we believe cannot provide credible evidence of any off-site migration of PFAS from the Airport impacting residential wells. Further, EGLE is not considering other reasonable alternative explanations for PFAS levels found in residential wells. Therefore, GFIA requests that EGLE withdraw the VN Letter based on the totality of reasons set forth in this response.

Overview of Existing Data for Cascade Township Residential Wells

In terms of data related to PFAS contamination at the Airport or in Cascade Township, EGLE has confirmed that it does not possess any additional information not already shared with the Airport. The Airport's review of all the currently available information does not reveal evidence that PFAS has migrated off the Airport's property to impact residential wells. As summarized in the Airport's November 6 response and as has been communicated to and documented by EGLE, deep aquifer impacts are found to be decreasing and are below Part 201 criteria as the groundwater moves toward the Airport's property line.

The MPART website¹ devoted to the Airport's PFAS investigation includes a summary table that shows 35 deep groundwater samples have been analyzed and none of them exceeded the applicable Part 201 standard. Additionally, the Airport sampled 28 residential wells northeast of the Airport property boundary in the direction of deep groundwater flow. No regulated PFAS compounds were detected in any of those well samples. The Airport does not have any data that show that PFAS in the deep groundwater originated at the Airport and/or is migrating off the Airport's property, and EGLE's prior review concurred.

Overview of Existing Airport-Specific Data and Lack of Migration Pathway

For shallow groundwater, the MPART website illustrates that only 1 of 12 samples collected by the Airport is greater than Part 201 criteria. This sample was from the former (on-site) firefighting training area, where shallow groundwater is discontinuous, and no off-site pathway has been identified. Additionally, shallow groundwater along the Unnamed Tributary on Airport property is discontinuous and samples demonstrated that PFAS levels are below the Part 201 criteria. There is no evidence indicating that PFAS in any shallow groundwater is migrating off the Airport's property.

¹ https://www.michigan.gov/pfasresponse/0,9038,7-365-86511_82704-487698--,00.html

Despite its lack of evidence, EGLE asserts that any PFAS found in various residential wells in sporadic concentrations with no discernable pattern must somehow have originated at the Airport. Both the VN Letter and the October 9 letter assert that EGLE has “informed” GFIA about the PFAS that migrated from Airport property into the residential wells. But neither letter informs the Airport about any actual technical data, analysis or other information that supports EGLE’s otherwise arbitrary conclusion. EGLE’s letters contain mere assertions that all PFAS in the Cascade Township area must have originated at the Airport.

The Airport’s investigations and related reports do not reveal a migration pathway off site.^{2,3} EGLE’s sampling of residential wells as reported on the MPART website for the Cascade Township Area of Interest reveals high variability and inconsistencies in terms of locations and PFAS compounds identified, and a random distribution of impacted or non-detect wells over a large area.⁴ The extreme variability in the results from EGLE’s testing in the Cascade Township area does not support EGLE’s assertions. The single source airport theory lacks credibility when EGLE also knows that other PFAS sources are, or have been, located nearby and that multiple other sources are equally plausible, including perhaps impacts from the large number of aging septic systems.⁵ EGLE has not provided the Airport with any data or substantive analyses to meet its burden of proof that the Airport is liable for any contaminated residential wells, and therefore, it should withdraw its VN Letter.

² For example, see October 15, 2018 Phase 2 Report (“Boring information indicates that a substantial and extensive layer of clay is present beneath the former training area starting at a depth of approximately 6.5 feet and continuing approximately 40 to 100 feet in the area around the FFTA.”)(“Shallow groundwater (i.e. above the confining clay layer) appears to be confined to the northern-most part of the study area and is not present below the former training area. Analytical results indicate that most PFOS/PFOA concentrations in that shallow groundwater are well below State of Michigan Part 201 Groundwater Criteria for the protection of drinking water (near or below detection limits). We note that surface water sampling conducted by MDEQ on August 13, 2018 at the unnamed tributary to the Thornapple River at 36th Street indicated the low level presence of PFOS and PFOA at concentrations below State Water Quality Standards.”)

³ In addition, see May 16, 2019 Report on ARFF and Ramp 5 (“In sum, we believe that the thick clay layer encountered at the ARFF Ramp and at three sample locations at Ramp 5 is consistent with thick clay layers described in previously submitted reports. Combined with the non-detect results at the deepest soil samples and the lack of any perched groundwater in the area sampled, the airport believes there is no downward pathway through soil and clay from either the ARFF Ramp or Ramp 5.”)

⁴ See MPART site at https://www.michigan.gov/pfasresponse/0,9038,7-365-86511_95600_95631-508872--00.html

⁵ EGLE recognizes that septic systems may contaminate aquifers with PFAS. (“Test results can vary depending on several factors including the depth of the wells, septic fields, and the aquifer. PFAS are sometimes found at different depths in the ground depending on the aquifer and whether sand or clay is present. Household products drained to septic fields can also affect the amount of PFAS in well water. Some products contain PFAS and can end up in drinking water wells when they are drained to septic fields.”)

(https://www.michigan.gov/pfasresponse/0,9038,7-365-86704_86712---00.html).

GFIA is Complying with its Regulatory Obligations

GFIA reiterates its response from its November 6 letter to EGLE – based on all available data, there is no evidence of off-site migration of PFAS for both deep and shallow groundwater, and no evidence that the Airport has impacted any residential wells. Despite EGLE’s assertions to the contrary, the Airport does not have a Part 201 (or other legal) obligation to provide Notices of Migration to adjacent property owners or to mitigate short and long-term risks to off-site residential drinking water users. The Airport cannot issue a notice to residents regarding PFAS migration when it has no evidence that PFAS migrated from the Airport’s property.

EGLE’s VN Letter and requested next steps seem to be premature and unreasonable when it recognizes that other investigations are ongoing that could inform alternative solutions. The Kent County Health Department has offered to provide drinking water filters to those households that have had any amount of any PFAS compound detected in their well water. The Airport has and continues to work with the County and its fellow public partners to support Cascade Township and investigate possible longer-term solutions. Additionally, the Airport is continuing its own investigation by implementing the work plan approved as part of the EGLE/MDOT Airport PFAS Testing grant program. The results of that investigation could further eliminate potential PFAS sources or pathways and further inform all parties.

EGLE must also remember that the Airport’s use of AFFF containing PFAS has been mandated by federal law through FAA regulations applicable to all Part 139 commercial service airports. Michigan also has required, and still requires, that air carrier airports comply with FAA’s regulations as part of its state public-use airport licensing requirements. The Airport complied with federal and state mandates requiring AFFF usage, including during inspections when AFFF was required to be sprayed without any federal or state objections, warnings, or additional protective actions required. The Airport has acted reasonably in complying with its responsibilities while also extensively investigating any possible contamination that could have resulted from these actions.

Moreover, EGLE’s unwarranted VN Letter comes at a time when public entities, and especially airports, are facing extreme financial hardships because of the pandemic. The Airport is doing all it can to maintain service for the traveling public and air cargo customers, but passenger traffic and needed revenue is not expected to return to 2019 levels for some unknown time period. Additionally, the Airport is prohibited from using FAA grants or airport funding for non-aviation purposes.

Conclusion

GFIA requests that EGLE rescind its Violation Notice in recognition of the State Agency's lack of technical data to support its assertions of liability, in recognition of Michigan's airport licensing requirements related to use of these materials, and in recognition of the legal limits on the Airport's use of funds. There are solutions to be pursued if all of the parties would work together. As the State is well aware, PFAS issues are complex and cannot be solved by one department or by one statutory program. We are hopeful that we can continue to find a mutual and collaborative path forward.

We will continue to work with EGLE as we further investigate this issue, but by this cooperation the Airport does not admit any liability or wrongdoing. We dispute EGLE's allegations that the Airport is liable for staff salaries and other costs documented in the VN Letter and dispute that those costs are reasonable or necessary.

If you have any questions, please contact us at 616-233-6000.

Very truly yours,



Casey W. Ries, P.E.
Engineering & Planning Director

Cc: Mr. Mike Trout, MDOT
Mr. Bryan Budds, MDOT
Mr. Steve Houtteman, MDOT
Ms. Beth Vens, EGLE
Mr. Dan Yordanich, EGLE
Mr. Darren Bowling, EGLE
Mr. Will Depew, EGLE
Mr. Steve Sliver, EGLE
Ms. Amy Peterson, EGLE
Ms. Heidi Hollenbach, EGLE
Ms. Nancy Johnson, EGLE
Mr. Aaron Assmann, EGLE